

REMARKS

The sole reference cited against applicants is U.S. Patent Application Publication No. 2005/0100683 of Fukiage et al. The Fukiage et al. application has a filing date of November 6, 2003. The filing date of applicants' patent application is November 28, 2003. Applicants' invention disclosure to their employer is dated prior to November 6, 2003.

Although the "Invention Alert Form" filled out by the inventors is not signed, because it was sent to their employer's (Applied Materials, Inc.) patent department by e-mail, the latest possible date applicable to the document is the date on which it was entered into the Applied Material's Inc. docketing system. That date was May 9, 2003, as indicated at the right hand edge of the Form. The date of invention was prior to that date.

Applicants are providing a Declaration Under 37 C.F.R. § 131 in which they establish invention prior to November 6, 2003.

Applicants are not claiming the same invention as that claimed in the Fukiage et al. In Fukiage et al., the claims are to a method for depositing a material on a substrate, which includes depositing a tunable etch resistant ARC layer on a substrate from a processing gas including a precursor gas, followed by exposure of the tunable etch resistant ARC layer to a post-processing plasma to create a photoresist-compatible surface on the deposited layer. It is a combination of the tunable etch resistant ARC layer deposition process with the plasma treatment process which is claimed. (Claims 1 - 43) Applicants are not claiming the deposition of a tunable etch resistant ARC layer. Applicants are claiming a method of reducing photoresist poisoning when the photoresist is a chemically amplified positive photoresist which produces an acid in pattern areas of the photoresist which are to be removed upon development, where the method includes controlling the surface composition of a substrate underlying the photoresist by plasma treatment of the surface.

Since applicants are not claiming a combination of process steps which includes deposition of a tunable etch resistant ARC layer from precursor gases, applicants contend that there is not interfering subject matter under 37 C.F.R. § 41.203 (a), where the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party.

In view of the distinction between the subject matter claimed in the Fukiage et al. application and the subject matter claimed in applicants' patent application, applicants are entitled to submit a Declaration Under 37 C.F.R. § 1.131 in which they swear behind the date of the cited reference.

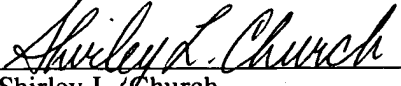
In view of the Declaration Under 37 C.F.R. § 131, which is submitted herewith by the inventors, in which they establish invention prior to the filing date of the Fukiage et al. application, applicants respectfully request the withdrawal of the rejection of Claims 30 - 38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0100683 to Fukiage et al.

The Declaration Under 37 C.F.R. §131 by the inventors is executed by inventors Sang H. Ahn and Sudha Rathi. The Declaration is not executed by inventor Heraldo L. Bothelho because Mr. Bothelho could not be located. Efforts to reach Mr. Bothelho at his last known address were unsuccessful.

Applicants contend that the presently pending claims are in condition for allowance, and the Examiner is respectfully requested to pass the application to allowance.

The Examiner is invited to contact applicants' attorney with any questions or suggestions, at the telephone number provided below, as applicants' attorney is willing to work with the Examiner to reach agreement on any remaining issues.

Respectfully submitted,

  
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